

AMENDED IN SENATE AUGUST 23, 2006
AMENDED IN SENATE AUGUST 7, 2006
AMENDED IN SENATE JUNE 22, 2006
AMENDED IN ASSEMBLY MAY 30, 2006
AMENDED IN ASSEMBLY APRIL 6, 2006
AMENDED IN ASSEMBLY MARCH 22, 2006
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2005

Introduced by Assembly Member Emmerson
(Coauthors: Assembly Members Garcia, Haynes, Shirley Horton,
Huff, Maze, Spitzer, and Strickland)
(Coauthors: Senators Aanestad, Battin, and Harman)

February 9, 2006

An act to amend Section 6254.24 of the Government Code, relating to records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2005, as amended, Emmerson. Public records: confidentiality.

(1) The California Public Records Act prohibits, among other things, and makes punishable as a misdemeanor or felony, as specified, a person who knowingly posts certain information as to an elected or appointed official on the Internet or that of the official's residing spouse or child knowing that person is an elected or appointed official and intending to cause imminent bodily harm to that individual. For this purpose, an elected or appointed official is

variously defined and includes specified public safety officials, as separately defined.

This bill would add to the definition of a public safety official an employee of the Attorney General, a district attorney, public defender, the United States Attorney, or the Federal Public Defender who submits verification from the Attorney General, district attorney, or public defender that the employee represents the Attorney General, district attorney, or public defender in matters that routinely place that employee in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts. This bill would also add to the definition of a public safety official state and federal judges and court commissioners, a *sworn or* nonsworn employee of the Department of Justice, or a police department or sheriff's office, with certain specified duties in the course of his or her employment *and a probation officer, as specified*. By expanding an existing crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6254.24 of the Government Code is
- 2 amended to read:
- 3 6254.24. As used in this chapter, "public safety official"
- 4 means the following:
- 5 (a) An active or retired peace officer as defined in Sections
- 6 830 and 830.1 of the Penal Code.
- 7 (b) An active or retired public officer or other person listed in
- 8 Sections 1808.2 and 1808.6 of the Vehicle Code.
- 9 (c) An "elected or appointed official" as defined in subdivision
- 10 (f) of Section 6254.21.
- 11 (d) An attorney employed by the Department of Justice, the
- 12 State Public Defender, or a county office of the district attorney

1 or public defender, the United States Attorney, or the Federal
2 Public Defender.

3 (e) A city attorney and an attorney who represent cities in
4 criminal matters.

5 (f) A specified employee of the Department of Corrections and
6 Rehabilitation who supervises inmates or is required to have a
7 prisoner in his or her care or custody.

8 (g) A *sworn or* nonsworn employee who supervises inmates in
9 a city police department, a county sheriff's office, the
10 Department of the California Highway Patrol, federal, state, or a
11 local detention facility, and a local juvenile hall, camp, ranch, or
12 home, *and a probation officer as defined in Section 830.5 of the*
13 *Penal Code.*

14 (h) A federal prosecutor, a federal criminal investigator, and a
15 National Park Service Ranger working in California.

16 (i) The surviving spouse or child of a peace officer defined in
17 Section 830 of the Penal Code, if the peace officer died in the
18 line of duty.

19 (j) State and federal judges and court commissioners.

20 (k) An employee of the Attorney General, a district attorney,
21 or a public defender who submits verification from the Attorney
22 General, district attorney, or public defender that the employee
23 represents the Attorney General, district attorney, or public
24 defender in matters that routinely place that employee in personal
25 contact with persons under investigation for, charged with, or
26 convicted of, committing criminal acts.

27 (l) A nonsworn employee of the Department of Justice or a
28 police department or sheriff's office that, in the course of his or
29 her employment, is responsible for collecting, documenting, and
30 preserving physical evidence at crime scenes, testifying in court
31 as an expert witness, and other technical duties, and a nonsworn
32 employee that, in the course of his or her employment, performs
33 a variety of standardized and advanced laboratory procedures in
34 the examination of physical crime evidence, determines their
35 results, and provides expert testimony in court.

36 SEC. 2. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the

- 1 penalty for a crime or infraction, within the meaning of Section
- 2 17556 of the Government Code, or changes the definition of a
- 3 crime within the meaning of Section 6 of Article XIII B of the
- 4 California Constitution.